

EASTERN DISTRICT OF TEXAS

CIVIL ACTION NO. 1:13-CV-369

PAM NICKLES, *et al.*,

Defendants.

In his objections, plaintiff states he is not seeking to call into question the validity of his conviction. He states he has filed a separate petition for writ of habeas corpus concerning his

conviction. Plaintiff states he is claiming that the defendants either refused to investigate his claim that he was not required to register as a sex offender or knew he was not required to register, but failed to take action to prevent him from being arrested and convicted. He states his lawsuit is not a challenge to his conviction, but to the fact that the defendants unlawfully required him to register as a sex offender.

The court takes note of plaintiff's assertion that he is not seeking to challenge the validity of his conviction. However, this assertion does not prevent his lawsuit from being dismissed. In order to find in plaintiff's favor, this court would have to conclude that the defendants acted improperly when they determined plaintiff was required to register as a sex offender. As petitioner was convicted for failing to comply with sex offender registration requirements, such a conclusion would "necessarily imply the invalidity of his conviction." *Heck v. Humphrey*, 512 U.S. at 487. Accordingly, the Supreme Court's decision in *Heck* requires that his complaint be dismissed because he does not allege his conviction has been invalidated. *Id.*

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 17th day of July, 2015.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE